



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning Conduct of WILLIAM EISELE, Trustee,
Indian Hills General Improvement District,
State of Nevada,

Request for Opinion Nos. 08-38C, 08-53C

Subject.

**NOTICE OF HEARING
and
PANEL DETERMINATION**

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing is set before the Nevada Commission on Ethics in accordance with Nevada Revised Statutes (NRS) 281A and 233B and Nevada Administrative Code (NAC) 281A. The purpose of the hearing is to consider allegations that the Subject, William Eisele (Eisele), violated the Ethics in Government law described in the Panel Determination below. Further, if during the hearing, the Commission finds any violation, the Commission will determine whether the violation was willful and whether any penalties will be imposed, pursuant to NRS 281A.480.

THE HEARING WILL TAKE PLACE:

**February 12, 2009 beginning at 1:00 p.m., or as soon thereafter as the
Commission is able to hear the matter, at the following locations:**

**State Contractors Board
9670 Gateway Drive, Ste. 100
Reno, NV 89511
via a video-conference to:
State Contractors Board
2310 Corporate Circle, Suite 200
Henderson, NV 89074**

Eisele must be present when this matter is called. If Eisele is not present, the Commission may consider as true the alleged violations specified in the Panel Determination below. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., at (775) 687-5469, Ext. 222.

The hearing is open to the public under Nevada's Open Meeting Law. A verbatim record will be made by a certified court reporter. Eisele has the right to appear, be represented by legal counsel, hear the evidence presented, respond, and present evidence on his behalf.

Eisele has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, and NAC 281A. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

PANEL DETERMINATION

Issues and Jurisdiction

An ethics complaint (Request for Opinion No. 08-38C) was filed against Eisele alleging he violated NRS 281A.420 and NRS 281A.440 on May 5, 2008, May 21, 2008, June 18, 2008, July 7, 2008 and July 16, 2008 when he failed to disclose and abstain on certain matters and failed to follow the binding advisory opinion issued to Eisele by the Commission. NCOE Opinion No. 07-40A.

Another ethics complaint (Request for Opinion 08-53C) was filed against Eisele alleging he violated NRS 281A.440 on July 28, 2008, August 5, 2008, and August 12-14, 2008 when he failed to follow the binding advisory opinion issued to Eisele by the Commission. NCOE Opinion No. 07-40A.

In his public capacity, Eisele is a Trustee for Indian Hills General Improvement District (IHGID), a public officer as defined in NRS 281A.160. In his private capacity, Eisele's daughter-in-law, Sandy Eisele, is an employee of IHGID. Sandy Eisele is supervised by the IHGID General Manager, who works for the IHGID Board of Trustees. Therefore, since the allegations involve NRS 281A, the Commission has jurisdiction over this matter.

Panel Proceeding

On November 13, 2008, pursuant to NRS 281A.440.3, a Panel of Commissioners George Keele and Jim Shaw reviewed the following: Ethics Complaint; Response to Complaint; the Investigator's Report; Executive Director's Approval of Investigator's Report and Executive Director's Recommendation; and the evidence collected.

The panel findings are as follows on:

Request for Opinion No. 08-38C:

The Panel found that just and sufficient cause **EXISTS** for the Commission to render an opinion on the following allegations that Eisele violated:

1. NRS 281A.420.4 when he failed to disclose his private commitment to Sandy Eisele, when he moved to terminate the general manager on March 10, 2008.
2. NRS 281A.420.2 when he failed to abstain on terminating the general manager on March 10, 2008.

3. NRS 281A.440.1(a) when he failed to follow NCOE Opinion No. 07-40A when he moved to terminate the general manager on March 10, 2008.
4. NRS 281A.420.4 when he failed to disclose his private commitment to Sandy Eisele prior to voting to deny accrued sick leave payment to the former IHGID general manager on May 21, 2008.
5. NRS 281A.420.2 when he failed to abstain from voting to deny accrued sick leave payment to the former IHGID general manager on May 21, 2008.

THEREFORE, the foregoing five allegations listed in Request for Opinion No. 08-38C are **REFERRED** to the Commission to hold a hearing and render an opinion.

The Panel found that just and sufficient cause **DOES NOT EXIST** for the Commission to render an opinion on the following allegations that Eisele violated:

1. NRS 281A.420.4 and 281A.440.1(a) when he failed to disclose his private commitment to Sandy Eisele prior to volunteering to evaluate the general manager job applications and prior to participating in a decision to have her review the general manager job applications on May 5, 2008.
2. NRS 281A.420.2 and .4 and 281A.440.1(a) when he failed to disclose his private commitment to Sandy Eisele and failed to abstain when he moved to interview two general manager applicants on June 18, 2008.
3. NRS 281A.420.4 and 281A.440.1(a) when he failed to disclose his private commitment to Sandy Eisele when he was present during one of the applicant's interview on July 7, 2008.
4. NRS 281A.420.2 and .4 and 281A.440.1(a) when he failed to disclose his private commitment to Sandy Eisele and failed to abstain and moved to change the qualifications for the general manager's position on July 16, 2008.
5. NRS 281A.420.2 and .4 when he moved to hire Art Baer as the acting general manager without disclosing his private commitment to Sandy Eisele on July 23, 2008.

THEREFORE, these five allegations listed in Request for Opinion No. 08-38C were **DISMISSED**.

Request for Opinion No. 08-53C:

The Panel found that just and sufficient cause **DOES NOT EXIST** for the Commission to render an opinion on the following allegations that Eisele violated:

NRS 281A.420.4 and NRS 281A.440.1(a) when he failed to follow the Commission's Opinion, NCOE No. 07-40A when he was: a) present during an employee dispute meeting between the acting general manager, Sandy Eisele and the complainant on July 28, 2008; b) reviewed the applications with Sandy Eisele and Art Baer for the new

general manager on August 5, 2008; c) reviewed the applications for the new general manager on August 12-14, 2008.

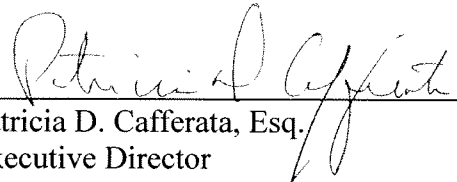
THEREFORE, all the allegations in Request for Opinion No. 08-53C were **DISMISSED**.

Conclusion

The Panel Determination is that the five allegations concerning Eisele's actions on March 10, 2008 and May 21, 2008 in Request for Opinion 08-38C are **REFERRED** to the Nevada Commission on Ethics for a hearing to render an opinion.

Dated: _____

November 19, 2008



Patricia D. Cafferata, Esq.
Executive Director